

CONGRESSIONAL AFFAIRS

Law Firms Expecting Relief on Provision Threatening Some Lobbying Practices

By MARTIN KADY II, CQ STAFF WRITER

Responding to backlash from the influence industry, House negotiators will go into conference prepared to further scale back the lobbying bill passed last month.

Destined for dilution is a provision that would prohibit lobbying work by law firms with attorneys under contract to congressional offices.

The prohibition was inspired by the House Judiciary Committee's contract with Irv Nathan, a partner at Arnold and Porter, a major Washington law firm. Nathan has been hired at a rate of up to \$25,000 a month to advise the committee on its investigation of the firing of U.S. attorneys.

The House passed its version of the



Chris Cannon

lobbying bill (HR 2316) on May 24; the Senate passed its bill (S 1) in January. House and Senate leaders say they want to finish a conference quickly, but they have yet to name conferees.

Democrats did not object when the House Judiciary Committee added the provision sponsored by Chris Cannon, a Utah Republican, on a voice vote during a May 17 markup.

Cannon's language would prevent law firms from lobbying while their attorneys

are working for congressional offices or committees, and for a year after such contracts ended.

Cannon said he will agree to narrow the provision so that it would not apply to legal representation of lawmakers that is paid for with campaign contributions or personal funds. That would spare law firms that represent congressional clients with legal troubles.

Seeking to Ban Individual, Not Firm

But some lobbyists and law firms want negotiators to limit the lobbying prohibition to the individual lawyers working for Congress rather than apply the ban to whole firms. Representatives of Patton Boggs, the biggest lobbying firm in Washington, have

Lobbying continued on page 12

CONGRESSIONAL AFFAIRS

Senate to Focus on Energy Legislation, Defense Authorization This Month

By MARTHA ANGLE, CQ STAFF

Energy legislation and the annual defense authorization bill — including an amendment to begin a withdrawal of U.S. troops from Iraq — will dominate the Senate floor between now and the Fourth of July recess, Majority Leader Harry Reid said Tuesday.

Senators returned this week from their Memorial Day recess, during which they got an earful from constituents. Reid said, "There are two issues that are foremost in their minds: No. 1 is the Iraq War and No. 2 are gas prices. We're going to deal with that as soon as we finish with this immigration legislation."

Reid, a Democrat who represents Nevada, was referring to a comprehensive immigration overhaul that has been offered as a substitute amendment to a shell bill (S 1348). The controversial bill has attracted numerous amendments, and Reid may try to force an end to the debate later this week — a move Republicans will resist.

Reid said that once the immigration debate ends, there will be an effort to proceed to a "no confidence" vote on Attorney General Alberto R. Gonzales. But that attempt is unlikely to garner the 60 votes needed. Despite their dissatisfaction with Gonzales,

most Republicans say that only one person — President Bush — needs to have confidence in him.

The energy legislation could prove contentious, even though its pieces commanded broad bipartisan support in committee. Much will depend on the amendments offered on the floor.

Reid said the legislation (S 1419) is an amalgam of bills approved by four committees: Energy and Natural Resources (S 1321); Environment and Public Works (S 992); Commerce, Science and Transportation (S 357); and Foreign Relations (S 193).

He said he did not think the legislation was the "appropriate time" for a floor fight over efforts to address global warming. But he acknowledged that battles are likely over moves to toughen fuel efficiency standards and to set a national renewable-portfolio standard requiring 10 percent to 20 percent of electricity to be produced from renewable sources by 2020.

Another Iraq Debate

The fiscal 2008 defense authorization bill (S 567), which the Senate Armed Services Committee approved May 24, will offer a new platform for debate over Iraq policy.

Armed Services Chairman Carl Levin, D-Mich., plans to offer a floor amendment that would require a reduction in the U.S. military presence in Iraq beginning 120 days after enactment of the bill.

"We're having a meeting on Thursday to finalize that," Reid said.

Not all the action between now and the July Fourth recess, which is scheduled to begin at the end of this month, will come on the floor. Reid noted that Congress is close to clearing legislation (S 5) that would expand federal funding of embryonic stem cell research, and he said, "We expect to complete the conference in the next week or so on 9/11 commission recommendations."

The House passed its version of the bill (HR 1) by 299-128 on Jan. 9; the Senate passed its own measure (S 4) by 66-31 on March 13.

In addition, Reid said, "We also believe that we are very close to being able to complete the conference on the ethics and lobbying reform."

The Senate passed its lobbying overhaul (S 1) by 96-2 on Jan. 18, while the House passed its version (HR 2316) on May 24 by 396-22.

But neither chamber has appointed conferees. ♦

ENVIRONMENT

Senators Will Try to Lead by Example on Capitol Power Plant Emissions

BY KATHLEEN HUNTER, CQ STAFF WRITER

The coal-burning plant that heats and cools the Capitol complex could become less offensive to environmentalists under legislation a Senate panel will consider Wednesday.

The Senate Environment and Public Works Committee will mark up a bill (S 1523) that would authorize a project to capture, store or use the plant's carbon dioxide emissions.

The committee also will consider two other measures that would try to promote more environmentally friendly government buildings.

The power-plant bill would allow the EPA to spend \$3 million on a two-year project to control the carbon dioxide emitted by the facility, which is near E Street S.E. The plant does not provide electricity to the Capitol complex, only steam to heat it and chilled water to cool it.

Coal-fired plants create a significant portion of the greenhouse gases emitted by industry each year, and the Capitol plant has become a target of environmental groups such as Clean Air Watch.

Top congressional Democrats have stressed that the federal government should set an example when it comes to energy efficiency.

"The project authorized by our bill will show that the technology exists right now to start capturing global warming pollu-

tion," said Barbara Boxer, D-Calif., who sponsored the bill and is chairwoman of the Environment and Public Works panel.

Boxer and Tennessee Republican Lamar Alexander are sponsoring the bill.

At the request of House Speaker Nancy Pelosi, D-Calif., the Capitol's chief administrative officer, Daniel P. Beard, produced a report outlining ways to implement the Speaker's "Green the Capitol" initiative, which aims to make the operation of House facilities "carbon neutral" by the end of the 110th Congress.

"The House must lead by example, and it is time for Congress to act on its own carbon footprint," Pelosi said.

Coal-state lawmakers such as Sens. Robert C. Byrd, D-W.Va., and Mitch McConnell, R-Ky., have blocked attempts to end the use of coal at the plant.

Green Buildings

The committee also will consider a bill (HR 798) that would authorize the construction of a massive solar array on a wall at Energy Department headquarters.

The bill, sponsored in the House by Transportation and Infrastructure Chairman James L. Oberstar, D-Minn., would direct the General Services Administration (GSA) to build the project, known as the "solar net," and provide \$30 million for its construction.

Reviving the Clinton-era project, which

has languished since President Bush came to office six years ago, has been a priority for Oberstar, a longtime advocate of solar power.

The House passed the legislation by voice vote Feb 12.

The panel also will consider a measure (S 506) sponsored by Boxer, Frank R. Lautenberg, D-N.J., and Olympia J. Snowe, R-Maine, that would establish a GSA program for environmentally friendly "green buildings."

Lautenberg, Boxer and Virginia Republican John W. Warner plan to offer a substitute amendment that would give the GSA flexibility to determine the most appropriate and environmentally sound green-buildings standard, rather than setting the standard in statute.

House Bill

Also on Wednesday, the House will consider a bill (HR 1716) that would authorize the Energy Department to contribute funds to develop higher education programs focused on green-building and advanced-energy technologies.

The bill will be considered under suspension of the rules, a procedure that limits debate, bars amendments and requires a two-thirds majority for passage. ♦

The Senate markup is scheduled for 10 a.m. Wednesday in 406 Dirksen.

Lobbying *continued from page 11*

met with House members to lobby for scaling back the provision.

"The whole point is, they don't want [Irv Nathan] to go back and lobby Judiciary," said Brian Pallasch, president of the American League of Lobbyists. "But the way it's written, it could capture all these folks. You're talking about firms with hundreds of lawyers. It casts a rather wide net."

Nathan's contract with the Judiciary Committee could jeopardize the work of Arnold and Porter's dozens of registered lobbyists, who collected \$1.2 million in lobbying fees during the first half of 2006, according to Congressional Quarterly's Political Money Line.

According to a Judiciary Committee spokeswoman, House ethics rules already prohibit Arnold and Porter from lobbying the committee or its members while Nathan is under contract.

Use of Outside Counsel Questioned

Cannon is not interested in limiting the lobbying ban to individual attorneys working with congressional offices. The point of his proposal is to avoid a conflict of interest that could arise when a law firm lobbies Congress while one of its employees is working for congressional offices.

Cannon is also apparently concerned about Congress' use of outside legal counsel.

"The crux of this is, you're paying outside lawyers to do the work of congressional

staff," said Cannon spokesman Fred Piccolo. "Congress has to choose whether to pay staff or contract out everything."

Uncommon Practice

The practice of hiring outside experts for professional advice is somewhat unusual. The \$25,000-a-month cost is much more than lawmakers or aides are paid.

Earlier this year, House Majority Whip James E. Clyburn, a Democrat representing South Carolina, banned Microsoft Corp. from lobbying his office while he temporarily employed a former Microsoft employee. That aide, Matt Gelman, worked on a short-term basis for Clyburn, who wanted to tap his experience as part of the whip operation of former Rep. David E. Bonior, D-Mich. (1977-2001). ♦